

### **13A.310 Repeal or permissive withdrawal of administrative regulation.**

- (1) Except as provided in KRS 13A.3102 and 13A.3104, an ordinary administrative regulation, once adopted, cannot be withdrawn but shall be repealed if it is desired that it no longer be effective.
  - (2) Except as provided in KRS 13A.3102 and 13A.3104, an ordinary administrative regulation, once adopted, cannot be suspended but shall be repealed if it is desired to suspend its effect.
  - (3) (a) An ordinary administrative regulation shall be repealed only by the promulgation of an administrative regulation that:
    1. Is titled "Repeal of (state number of administrative regulation to be repealed)";
    2. Contains the reasons for repeal in the "NECESSITY, FUNCTION, AND CONFORMITY" paragraph;
    3. Includes in the body of the administrative regulation, a citation to the number and title of the administrative regulation or regulations being repealed; and
    4. Meets the filing and formatting requirements of KRS 13A.220.
  - (b)
    1. Except as provided in subparagraph 2. of this paragraph, on the effective date of an administrative regulation that repeals an administrative regulation, determined in accordance with KRS 13A.330 or 13A.331, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation from the Kentucky Administrative Regulations Service.
    2. If the repealing administrative regulation specifies an effective date that is after the administrative regulation would become effective pursuant to KRS 13A.330 or 13A.331, the specified effective date shall be considered the effective date of the repealing administrative regulation. On the specified effective date, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation from the Kentucky Administrative Regulations Service.
  - (c) An administrative body may repeal more than one (1) administrative regulation in an administrative regulation promulgated pursuant to paragraph (a) of this subsection if the administrative regulations being repealed are contained in the same chapter of the Kentucky Administrative Regulations Service.
- (4) (a) An ordinary administrative regulation may be withdrawn by the promulgating administrative body at any time prior to its adoption.
  - (b) An ordinary administrative regulation that has been found deficient may be withdrawn by the promulgating administrative body or by the Governor at any time prior to its adoption.
  - (c) Once an ordinary administrative regulation is withdrawn, it shall not be reinstated, except by repromulgation as a totally new matter.
- (5) (a) An emergency administrative regulation may be withdrawn by the promulgating administrative body at any time prior to its expiration.

- (b) An emergency administrative regulation that has been found deficient may be withdrawn by the promulgating administrative body or by the Governor at any time prior to its expiration.
- (6) If an administrative regulation is withdrawn, the administrative body or the Governor shall inform the regulations compiler of the reasons for withdrawal in writing.

**Effective:** February 2, 2021

**History:** Amended 2021 Ky. Acts ch. 7, sec. 13, effective February 2, 2021. -- Amended 2019 Ky. Acts ch. 192, sec. 9, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 77, sec. 3, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 82, sec. 28, effective July 15, 2016. -- Amended 2005 Ky. Acts ch. 100, sec. 19, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 406, sec. 18, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 38, sec. 7, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 15, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 23, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 29, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 71, sec. 4, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 31, effective April 13, 1984.